

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RHONDA M. MCLEMORE

v.

WALMART INC., LLC TEXAS STORES,
ET AL.

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Civil Action No. 4:18-CV-689

(Judge Mazzant/Judge Nowak)

MEMORANDUM REJECTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 31, 2020, the report of the Magistrate Judge (Dkt. #129) was entered containing proposed findings of fact and recommendations that Defendants Wal-Mart Stores Texas LLC (“Wal-Mart”), Josephine Jacobs (“Jacobs”), Cinthya Knowlton (“Knowlton”), Raquel Nunez (“Nunez”), and Jason Stewart’s (“Stewart”) Motion to Dismiss Plaintiff’s Fourth Amended Complaint (Dkt. #62) be granted. Having received the report of the Magistrate Judge, having considered Plaintiff’s Objection (Dkt. #140), Defendants’ Response (Dkt. #145), and having conducted a de novo review, the Court is of the opinion that the Magistrate Judge’s report should be rejected.

This case currently has a pending motion for summary judgment that addresses all of the issues raised in the motion to dismiss. Therefore, the Court rejects the findings that the motion to dismiss should be granted and the Magistrate Judge should proceed to address the motion for summary judgment.

Having considered Plaintiff’s Objection (Dkt. #140), and having conducted a de novo review, the Court rejects the Magistrate Judge’s report (Dkt. #129) as the findings and conclusions

of the Court. It is, therefore, **ORDERED** that Defendants Wal-Mart Stores Texas LLC, Jacobs, Knowlton, Nunez, and Stewart's Motion to Dismiss Plaintiff's Fourth Amended Complaint (Dkt. #62) is **DENIED**.

IT IS SO ORDERED.

SIGNED this 12th day of March, 2020.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE